

Remarks:

Claims 1 to 10, 12, and 13 are pending in the application.

Claims 1 to 10, 12, and 13 stand rejected.

Claims 1, 10 and 12 have been amended. No new matter has been added by these amendments

Arguments:

Obviousness rejection under 35 U.S.C. §103

Claims 1, 3-10 and 12 stand rejected under 35 U.S.C. §103(a) as unpatentable over **Birum** in view of **Yu**. Applicant respectfully disagrees having regard to the following discussion.

Claim 1 recites the features of :

A method of dynamically managing non-volatile memory items on a mobile station through a network, said method comprising the steps of:

at said mobile station:

when registering to said network, checking for a unique identifier item stored in said non-volatile memory items said unique identifier item for identifying software loaded on said mobile station;

if said unique identifier item exists, checking whether a value stored in said unique identifier item is the same as a software identifier located in said software loaded on said mobile station;

if said unique identifier item does not exist or said value is different from said software identifier, sending said software identifier along with an identifier indicating a particular carrier company associated with the wireless device to said network;

in response to said sending receiving from said network a set of changes related to said software identifier;

executing said set of changes to update said non-volatile memory items; and
writing said software identifier to said unique identifier item.

Firstly, in contrast **Birum** does not relate to a mobile station. Claim 1 has been amended to make explicit that the wireless device is a mobile station. The Examiner refers to FIG. 1, item "140" and para. 0051 as suggesting that of **Birum** teaches that the device is wireless. Applicant disagrees since reading further in the same paragraph **Birum** states "remote computer 140, and other related electronic devices can be remotely connected to either LANs 120 or WAN 130 via a modem and temporary telephone link.". To a person of ordinary skill in the art this suggests a

device can connect wirelessly within a network and not that the device is a mobile device as recited in the subject claims.

Secondly, **Birum** does not perform the recited step of "registering to said network".

Thirdly, **Birum** teaches a method and system for changing versions of a software application that is downloaded from a server to a client computer, so that a version of the software can be updated or rolled back. This is implemented by performing a comparison between two lists of resources, a first of which is a list of resources in the current version and the second is a list of resources in the new version, to determine:

- i. which resources from the new version are to be added to the current version; and
- ii. which resources not in the new version are to be purged from the current version.

In response the relevant resources are downloaded or purged as the case may be.

Thus, **Birum** addresses a different problem than the present invention. The object in **Birum** is to ensure that software upgrades can be rolled back when downloads fail or that only the needed resources are downloaded if network bandwidth is limited. Thus, **Birum** uses its list of resources or purge list to determine this. On the other hand, the object of the present matter is to automatically update persistent data, stored in the non-volatile memory of the mobile station, related to the identification of software following the loading of new software, wherein decisions about changes to the non-volatile memory data items are made in a central location in the network based on a carrier identification sent along with the software identifier.

Fourthly, careful review of **Birum's** process flow (FIG. 4) shows that **Birum** must first obtain an indication (from the network) of whether there is a version change to the current software (step 410). If so, then **Birum**, at step 415, retrieves a resource list of the new software version. Thus the step of "checking whether a value stored in said unique identifier item is the same as a software identifier located in said software loaded on said mobile station" of the subject claims cannot be taught by **Birum** (i.e checking in **Birum** is not performed against loaded software). As identified above, **Birum** has to first retrieve a resource list from the network for the new version. This is further described for example at para. [0038] of **Birum**. Accordingly **Birum** does not

perform a comparison with a software identifier located in said software loaded on said mobile station.

Fifthly, **Birum** does not teach "in response to sending ... receiving from said network a set of changes related to said software identifier". While **Birum** discloses receiving one or more resources, resource lists or purge lists, none of these relate to changes related to a software identifier. Further, nothing teaches the execution of a set of changes to update a non-volatile memory item nor does it teach the writing of a software identifier to the unique identifier item, as taught in claim 1.

Furthermore claim 1 has been amended to recite sending only an identifier without a file; in contrast **Birum** contemplates sending an entire file rather than a software identifier as defined in the present claims. Accordingly, **Birum** also does not teach sending the software identifier.

Accordingly, the applicant respectfully disagrees with the Examiner's that **Birum** teaches features of claim 1.

The Examiner has introduced **Yu** as teaching the identifier indicating a particular carrier. Based on the above discussion **Birum** does not teach a mobile device, therefore there is no motivation to combine **Birum** with **Yu** which relates to a mobile device. Furthermore as discussed in the Applicant's previous response **Yu's** mobile station sends only mobile station identifiers to the network. At the BSC **Yu** uses the mobile identifier in a look-up table to find a carrier company. The Examiner argues that this look-up using the mobile identifier in the BSC is equivalent to the step of "sending... an identifier indicating a particular carrier company" by the device. Applicant contends that this is improper since this moves the claimed step, which is performed at the mobile device to be performed at the BSC. The present claims do not recite this step being performed at the BSC. The present claims have been amended to explicitly recite the steps being performed at the mobile station. Accordingly **Yu** does not teach the feature of sending an identifier indicating a particular carrier. Furthermore, if this or other steps are performed at the BSC then one of the benefits of the subject application would not be realized i.e. changes to the

non volatile(NV) file system made outside the context of Dynamic NV management do not unexpectedly reset in subsequent time periods.

Thus even when combined with **Yu, Birum** and **Yu** do not teach all the features of the subject independent claims 1, 10 and 12.

Dependent claims 2 to 9 and 13 variously depend directly and/or indirectly from independent claims 1 and 12, and therefore incorporate all respective limitations of independent claims 1, 10 and 12.

Therefore, applicant respectfully submits that a prima facie case of obviousness has not been established in respect of independent claims 1, 10 and 12 by failure to produce prior art teaching of each and every element claimed and because it would not have been obvious to one of ordinary skill in the art to combine the cited references.

Dependent claims 3 to 9 variously depend directly and/or indirectly from independent claim 1, and therefore incorporate all respective limitations of independent claim 1. Applicant respectfully submits that a case of obviousness has not been established in respect of dependent claims 3 to 9 for the above reasons.

b) Claims 2 and 13 stand rejected under 35 U.S.C. §103(a) over **Birum** in view of **Yu** and **Moore**. Applicant respectfully disagrees.

Dependent claims 2 and 13 respectively depend directly from independent claims 1 and 12 and therefore incorporate all respective limitations of independent claims 1 and 12. For the reasons that **Birum** and **Yu** cannot render these claims obvious therefore the rejection based on the combination of **Birum**, **Yu** and **Moore** is rendered moot.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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